

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, MARCH 3, 2004**

UNAPPROVED DRAFT
Completed 3/15/2004

PRESENT: Walter L. Alcorn, Commissioner At-Large
John R. Byers, Mount Vernon District
Frank de la Fe, Hunter Mill District
Janet R. Hall, Mason District
Suzanne F. Harsel, Braddock District
Nancy Hopkins, Dranesville District
Ronald W. Koch, Sully District
Kenneth Lawrence, Providence District
Rodney L. Lusk, Lee District

ABSENT: Janet R. Hall, Mason District
Peter F. Murphy, Jr., Springfield District
Laurie Frost Wilson, Commissioner At-Large

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The meeting was called to order at 8:15 p.m. by Vice Chairman John R. Byers.

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COMMISSION MATTERS

Commissioner Lusk MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON SE 2003-LE-028, SILVIO DIANA, TO A DATE CERTAIN OF APRIL 7, 2004.

Commissioner Koch seconded the motion which carried unanimously with Commissioners Hall, Murphy and Wilson absent from the meeting.

Commissioner Lusk further MOVED THAT THE PUBLIC HEARING ON SE-2003-LE-029 AND SE-2003-LE-031, SILVIO DIANA, BE DEFERRED TO A DATE CERTAIN OF APRIL 7, 2004.

Commissioner Koch seconded the motion which carried unanimously with Commissioners Hall, Murphy, and Wilson absent from the meeting.

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In the absence of Commissioner Hall, Vice Chairman Byers MOVED THAT THE PLANNING COMMISSION DEFER THE PUBLIC HEARING ON SEA 88-L-071 AND RZ 2003-MA-052, TRUSTEES FOR IMMANUEL BIBLE CHURCH, TO A DATE CERTAIN OF MARCH 24, 2004.

Commissioners Lusk and Lawrence seconded the motion which carried unanimously with Commissioners Hall, Murphy, and Wilson absent from the meeting.

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ORDER OF THE AGENDA

Secretary Harsel set the following order for agenda:

1. PCA A-689-2 - NOVUS, LLC
2. ZONING ORDINANCE AMENDMENT - EDITORIAL REVISIONS
3. RZ 2003-MV-036 - ROUBIN ASSOCIATES, L.L.C AND MARY ANNE PEARSON SANKO REVOCABLE TRUST

This order was accepted without objection.

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PCA A-689-2 - NOVUS, LLC - Appl. to amend the proffers for RZ A-689 previously approved for office use to permit continuation of skating facility, health club and related facilities until such time as the property is redeveloped for office use, with an overall Floor Area Ratio (FAR) of 0.28. Located at 1800 Michael Faraday Ct. on approx. 4.76 ac. of land zoned I-5. Comp. Plan Rec: Mixed Use. Tax Map 18-3 ((5)) 9. HUNTER MILL DISTRICT. PUBLIC HEARING.

Sarah Hall, Esquire, with Blankingship and Keith, 4020 University Drive, Fairfax, representative for the applicant, reaffirmed the affidavit dated February 3, 2004.

Aaron Shriber, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the application.

Ms. Hall commented that the purpose of the application was to allow continuation of the recreation uses.

There were no listed speakers; therefore, Chairman Murphy called for speakers from the audience but received no response. He noted no rebuttal was necessary. There were no comments or questions from the Commission and no closing staff remarks; therefore, Chairman

Murphy closed the public hearing and recognized Commissioner de la Fe for action on the application. (A verbatim transcript is in the date file.)

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Commissioner de la Fe MOVED TO RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF PCA A-689-2, SUBJECT TO THE EXECUTION OF THE PROFFER CONSISTENT WITH THAT DATED FEBRUARY 10, 2004.

Commissioner Lawrence seconded the motion which carried unanimously with Commissioners Hall, Murphy, and Wilson absent from the meeting.

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ZONING ORDINANCE AMENDMENT (EDITORIAL REVISIONS) –

To amend Chapter 112, as follows: Eliminates promotional activities of retail merchants in residential districts; updates cross references to other sections and alphabetical ordering as a result of the adoption of previous Zoning Ordinance amendments to include Paragraphs 16 and 17 of Sect. 4-902, Par. 3 of Sect. 10-203, Par. 4 of Sect. 11-102, Par. 6 of Sect. 11-104 and Part 5 of Article 18; clarifies that any special permit or special exception use may only be established in accordance with the approved special permit or special exception; changes references from the Department of Animal Control to the Animal Services Division of the Police Department; replaces the term “church” with “place of worship”; relocates the definition of “building under construction” to the outdoor lighting standards section; deletes the International Association of Lighting Designers from the list of professionals that can submit a photometric plan or sports illumination plan; clarifies that the Board of Zoning Appeals has the ability to hear and decide appeals from any order, requirement, decision, interpretation or determination made by the Zoning Administrator or any other administrative officer in the administration or enforcement of the Zoning Ordinance; distinguishes between the Director of the Department of Public Works and Environmental Services and the Director of the Office of Site Development Services in references to the Geotechnical Review Board; deletes the reference to measurement orientation in the “footcandle” definition; clarifies that the maximum building height in Commercial Revitalization Districts (CRD) in both the C-6 and C-8 Districts is 50 feet; and clarifies the references to Sect. 13-202 (peripheral parking lot landscaping requirements) in the CRD.

Jack Reale, Zoning Administration Division (ZAD), Department of Planning and Zoning Division (DPZ), presented the staff report, a copy of which is in the date file. He noted that staff recommended approval of the amendment.

Responding to Commissioner Alcorn's questions, Mr. Reale explained that retail sales were not permitted in residential districts, except in limited circumstances, but that the promotional activities of the retail merchants were permitted.

In response to Commissioner Alcorn's question, Mr. Reale agreed that the proposed text change on pages 6 and 7 of the staff report referred only to Residential Districts and would not affect Planned Development Housing Districts.

There were no speakers. The Commission had no comments or questions and staff had no closing remarks; therefore, Vice Chairman Byers closed the public hearing and recognized Commissioner Alcorn for action on this application. (A verbatim transcript is in the date file.)

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Commissioner Alcorn MOVED THAT THE PLANNING COMMISSION RECOMMEND APPROVAL OF THE PROPOSED ZONING ORDINANCE AMENDMENT, EDITORIAL AND OTHER MINOR REVISIONS, AS DETAILED IN THE STAFF REPORT DATED JANUARY 5, 2004.

Commissioner Lusk seconded the motion which carried unanimously with Commissioners Hall, Murphy and Wilson absent from the meeting.

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Vice Chairman John R. Byers relinquished the Chair to Secretary Harsel during the hearing of the next case in the Mount Vernon District.

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RZ 2003-MV-036 ROUBIN ASSOCIATES, L.L.C AND MARY ANNE PEARSON SANKO REVOCABLE TRUST - Appl. to rezone from R-1 to I-6 to permit industrial development with an overall Floor Area Ratio (FAR) of 0.06. Located on the S. side of Newington Rd. at its intersection with Loisdale Rd. and at the N. terminus of Terminal Rd. on approx. 6.39 ac. of land. Comp. Plan Rec: Industrial. Tax Map 99-1 ((1)) 5E.
MOUNT VERNON DISTRICT. PUBLIC HEARING.

John McBride, Esquire, with Vanderpool, Fostrick & Nishanian, 9324 West Street, Manassas, representative for the applicant, reaffirmed the affidavit dated February 25, 2004.

Cathy Lewis, Zoning Evaluation Division (ZED), Department of Planning and Zoning (DPZ), presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of the application.

Mr. McBride explained that the applicant wanted to relocate their headquarters to the subject property as well as combine various field operations on the site. Mr. McBride pointed out that the application was in conformance with the Comprehensive Plan, that staff recommended approval of the application, that all Ordinance standards had been met and that the application met Virginia Department of Transportation (VDOT) standards for access to Newington Road.

In response to questions from Commissioner Byers, Mr. McBride elaborated on future uses of the property as reflected in Proffer 11 and then commented on traffic issues that could arise from future uses on that property.

In response to questions from Commissioner Hart, Mr. McBride commented on how company trucks would enter and exit the site. He then spoke on the traffic congestion on Newington Road. He further stated that the existing foundation to be removed from the subject property was not a historic structure.

Responding to questions from Commissioners Byers and Harsel, Mr. McBride stated that the I-5 zoning district would be corrected to I-6 on the Generalized Development Plan (GDP).

Secretary Harsel called the first listed speaker and recited rules for public testimony.

Matthew Szramoski, 8309 Accotink Road, Lorton, representing Newington Civic Association, spoke in opposition to the application. He commented on environmental and traffic concerns and then expressed the opinion that rezoning to the I-5 District would be inappropriate for this location.

Fred Tyler, 2305 Lory Court, Alexandria, proprietor of Hunter Motel, said he opposed the application because of traffic issues.

Cynthia Smith, 6713 Castskill Road, Lorton, advised the Commission that she also opposed the application because of traffic concerns. She then presented photographs of traffic on Newington Road (copies of which are in the date file).

There were no other listed speakers, therefore, Secretary Harsel called for speakers from the audience.

Purvis Dawson, address unknown, said he opposed the application because of traffic concerns and the proposed entrance from Newington Road.

Greg Granahan, 4400 Elmwood Dr., Alexandria, said he had never been contacted about this application. He spoke about a tree conservation area that could interfere with a proffer required for the gas station property. He outlined his concerns with stormwater management and then

suggested the need for a proffer that would extend Terminal Road to Loisdale Road with limited access restriction.

There were no further speakers; therefore, Secretary Harsel called upon Mr. McBride for a rebuttal statement

Mr. McBride explained that the Comprehensive Plan did not envision Terminal Road to be extended. He further elaborated on the zoning and industrial uses of the surrounding property. Mr. McBride emphasized that the application did not propose heavy industrial use and that the proffers addressed what material could be stored on site and the type of construction vehicles that could be on the property.

Responding to questions from Commissioners Byers and Harsel, Mr. McBride explained in detail why a ramp would not be a solution to traffic congestion.

In response to Commissioner Hart's questions, Ms. Lewis explained that the applicant could apply for a special exception or special permit without having to amend the proffers. She elaborated on I-5 uses permitted under a special permit.

Responding to comments from Commissioner Hart, Mr. McBride stated the applicant had no intention of operating the vast majority of those uses listed by Ms. Lewis.

In response to Secretary Harsel's questions, Mr. McBride elaborated on the type of business the applicant proposed and then described how the applicant planned to use the property.

There were no other speakers. The Commission had no further comments or questions and staff had no closing remarks; therefore, Secretary Harsel closed the public hearing and recognized Commissioner Byers for action on this application. (A verbatim transcript is in the date file.)

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Commissioner Byers MOVED THAT THE PLANNING COMMISSION DEFER THE DECISION ONLY ON RZ 2003-MV-036 TO A DATE CERTAIN OF MARCH 25, 2004, WITH THE RECORD TO REMAIN OPEN FOR WRITTEN COMMENT.

Commissioner Lusk seconded the motion which carried unanimously with Commissioners Hall, Murphy and Wilson absent from the meeting.

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At the conclusion of the case, Vice Chairman Byers resumed the Chair.

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ADJOURNMENT

March 3, 2004

The meeting was adjourned at 10:15 p.m.

Peter F. Murphy, Jr., Chairman

Suzanne F. Harsel, Secretary

For a verbatim record of this meeting, reference may be made to the audio and video recordings which may be found in the Office of the Planning Commission of Fairfax County, Virginia.

Minutes by: Heidi Baggett

Approved on:

Karen M. Everett, Clerk to the
Fairfax County Planning Commission